

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 12-cr-20276

v

Honorable Thomas L. Ludington

DANIEL DARBY,

Defendant.

**ORDER DENYING MOTION REQUESTING COPIES OF THE JUDGMENT AND
COMMITMENT**

On April 28, 2014, Defendant Daniel Darby, a federal prisoner, filed a motion requesting copies of the Judgment and Commitment entered in his criminal case. On September 11, 2012, Darby pleaded guilty to Possession with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. § 841, and he was sentenced to 46 months' imprisonment. Darby did not appeal.

Darby's present motion requests copies of court documents so that he can file "post conviction – collateral/ancillary – relief." Mot. at 1. However, a petitioner is not entitled to be furnished copies of court records without costs unless he has been (1) granted leave to proceed in forma pauperis and (2) his habeas corpus petition is pending before the court. *Walker v. United States*, 424 F.2d 278, 278-79 (5th Cir. 1970); *see also United States v. Mosher*, 2010 WL 565154, at *1 (W.D. Mich. Feb. 11, 2010). Darby has not yet applied for in forma pauperis status, nor has he filed a petition for writ of habeas corpus. Darby must do both before this Court may provide free copies of court documents.

Accordingly, it is **ORDERED** that Darby's motion requesting copies of the Judgment and Commitment (ECF No. 16) is **DENIED**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: May 15, 2014

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon Daniel Darby, #26074-039, at FCI Sandstone, P.O. Box 1000, Unit H, Sandstone, Minnesota 55072-1000 by first class U.S. mail on May 15, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS